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EXAMINER

DAY, HERNG DER

ART UNIT

PAPER NUMBER

2123

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/284,067	HARASAKI ET AL.
Examiner	Art Unit	
Herng-der Day	2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 07 April 1999.

2a) This action is **FINAL**.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3,10,11,14,16,18,22,24,30-38,42,43 and 45-67 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3,10,11,14,16,18,22,24,30-38,42,43 and 45-67 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 07 April 1999 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1, 3, 10-11, 14, 16, 18, 22, 24, 30-38, 42-43, and 45-67 have been examined and claims 1, 3, 10-11, 14, 16, 18, 22, 24, 30-38, 42-43, and 45-67 have been rejected.

*Priority*

2. Acknowledgment is made of Applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy of the priority document for PCT/JP97/03625, filed on October 8, 1997, has been received in this National Stage application from the International Bureau. The priority date is October 8, 1996.

*Drawings*

3. The drawings are objected to for the following reasons.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3-1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- (a) S32, in Fig. 4.
- (b) S64, in Fig. 7.
- (c) S73, in Fig. 8.

3-2. In Fig. 5, processing steps S43, S44, and S45 sequentially does not appear to be supported in the specification as described in page 13.

3-3. In Fig. 7, the step of “The consumer selects one favorite dial-plate”, as described in lines 12-13 of page 15, is missing. Also note, processing steps S64 and S65 sequentially does not appear to be supported in the specification as described in page 15.

3-4. In Fig. 9, processing steps S82, S83, and S84 sequentially does not appear to be supported in the specification as described in page 18.

3-5. As described in lines 6-7 of pages 19, “Figure 34 is in the case that three watches were already held”, however, in Fig. 34, the message displays “CAN’T HOLD THREE OR MORE WATCHES”.

### *Specification*

4. The disclosure is objected to because of the following informalities:

Appropriate correction is required.

4-1. It appears that the referred drawing does not support the description. For example, as described in line 17 of page 11, “see number 9 in Fig. 13”, however, number 9 does not exist in Fig. 13.

4-2. It appears that the referred drawing does not support the description. For example, as described in lines 7-8 of page 13, “and when “IMAGE” is clicked”, however, “IMAGE” does not exist in Fig. 16 or Fig. 18.

4-3. It appears that “ILLUSTRATION/CHAR ACTERS”, as described in line 37 of page 14, should be “ILLUSTRATION/CHARACTERS”.

**4-4.** It appears that “provides it to the customer as the custer’s originally-designed band”, as described in lines 15-16 of page 17, should be “provides it to the customer as the customer’s originally-designed band”.

**4-5.** It appears that the referred drawing does not support the description. For example, as described in lines 5-9 of page 18, after “any one of watches is selected” and either “ORDER” or “HOLD” is clicked, the result refers to Fig. 31. Therefore, it makes no difference to click either “ORDER” or “HOLD”.

**4-6.** As described in lines 21-23 of page 18, “the clock maker asks the consumer whether confirmation of color tone is necessary or not (see Figs. 30 and 33)”, however, Fig. 30 is a holding image only, which has nothing to do with the confirmation question.

**4-7.** It appears that “The storage medium is provided from the clock to the consumer”, as described in lines 36-37 of page 19, should be “The storage medium is provided from the clock maker to the consumer”.

### ***Claim Objections***

**5.** Claims 3, 14, 16, 18, 22, and 24 are objected to for the following reason. Appropriate correction is required.

**5-1.** Claim 3 recites the limitation “the part digital information” in line 10 of the claim. The phrase “part digital information” is unclear and vague. For the purpose of claim examination, the Examiner will presume that “the part digital information” in line 10 of the claim refers to “the parts digital information”.

**5-2.** Claim 14 recites the limitation “which indicates an article constituent parts for creating article design” in lines 4-5 of the claim. The phrase “an article constituent parts” is vague. For the purpose of claim examination, the Examiner will presume that the limitation “which indicates an article constituent parts for creating article design” refers to “which indicates article constituent parts for creating article design”.

**5-3.** Claim 16 recites the limitation “the part digital information” in lines 16-17 of the claim. It does not appear to be supported in the specification as described in line 35 of page 2 through line 2 of page 3. For the purpose of claim examination, the Examiner will presume that “the part digital information” as described in lines 16-17 of the claim refers to “the parts digital information”.

**5-4.** Claim 18 recites the limitation “created by the consumer himselef” in lines 18-19 of the claim. It appears that “himselef” should be “himself”. Claim 18 also recites the limitation “the part digital information” in lines 17-18 of the claim. It does not appear to be supported in the specification as described in lines 21-23 of page 8. For the purpose of claim examination, the Examiner will presume that “the part digital information” as described in lines 17-18 of the claim refers to “the parts digital information”.

**5-5.** Claim 22 recites the limitation “the part digital information” in line 16 of the claim. The phrase “part digital information” is unclear and vague. For the purpose of claim examination, the Examiner will presume that “the part digital information” in line 10 of the claim refers to “the parts digital information”.

**5-6.** Claim 24 recites the limitation “the part digital information” in lines 18-19 of the claim. It does not appear to be supported in the specification as described in lines 21-23 of page 8. For

the purpose of claim examination, the Examiner will presume that “the part digital information” as described in lines 18-19 of the claim refers to “the parts digital information”.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 10-11, 14, 16, 31, 42, 55-62, and 64-67 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7-1. Claim 10 recites the limitation “the information communication network” in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

7-2. Claim 11 recites the limitation “the computer” in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

7-3. Claim 14 recites the limitation “the consumer” in line 5 of the claim. There is insufficient antecedent basis for this limitation in the claim. For the purpose of claim examination, the Examiner will presume that “the consumer” as described in line 5 of the claim refers to “a consumer”. Also note, claim 14 recites the limitation “from the parts digital information provided by the consumer” in lines 8-9 of the claim. It does not appear to be supported in the specification as described in lines 26-29 of page 3. For the purpose of claim examination, the Examiner will presume that “from the parts digital information provided by the consumer” as described in lines 8-9 of the claim refers to “from the parts digital information provided by the article supplier”.

7-4. Claim 16 recites the limitation “the watch maker” in line 18 of the claim. There is insufficient antecedent basis for this limitation in the claim. For the purpose of claim examination, the Examiner will presume that “the watch maker” as described in line 18 of the claim refers to “the clock maker”.

7-5. Claim 31 recites the limitation “the screen” in line 4 of the claim. There is insufficient antecedent basis for this limitation in the claim.

7-6. Claim 42 recites the limitation “from the parts digital information provided by the consumer” in line 8 of the claim. It does not appear to be supported in the specification as described in lines 26-29 of page 3. For the purpose of claim examination, the Examiner will presume that “from the parts digital information provided by the consumer” as described in line 8 of the claim refers to “from the parts digital information provided by the clock maker”.

7-7. Claims 55-58 recite the limitation “from the parts digital information provided by the consumer” in lines 8-9 of the claims. It does not appear to be supported in the specification as described in lines 26-29 of page 3. For the purpose of claim examination, the Examiner will presume that “from the parts digital information provided by the consumer” as described in lines 8-9 of the claims refers to “from the parts digital information provided by the article supplier”.

7-8. Claims 59-62 recite the limitation “from the parts digital information provided by the consumer” in line 8 of the claims. It does not appear to be supported in the specification as described in lines 26-29 of page 3. For the purpose of claim examination, the Examiner will presume that “from the parts digital information provided by the consumer” as described in line 8 of the claims refers to “from the parts digital information provided by the clock maker”.

7-9. Claims 64-67 recite the limitation “from the parts digital information provided by the consumer” in lines 9-10 of the claims. It does not appear to be supported in the specification as described in lines 28-31 of page 2. For the purpose of claim examination, the Examiner will presume that “from the parts digital information provided by the consumer” as described in lines 9-10 of the claims refers to “from the parts digital information provided by the article supplier”.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9. Claims 1, 3, 10-11, 14, 45-58, and 64-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994.

9-1. Regarding claim 1, Matsuzaki et al. disclose an article design creating system (an order manufacturing system, column 1, line 46 through column 3, line 25) comprising:

means for providing parts digital information indicating article constituent parts which can be provided from an article supplier to a consumer (design information, FIG. 1) and design software for combining the parts digital information (product design creating means 10, FIG. 1) through information communication means (ordering-designing network 7, FIG. 1);

means for receiving article original design information which was created by the consumer by combining the parts digital information, using the design software and the parts digital information which were provided from the consumer to the article supplier (goods specification, FIG. 1); and

means for producing an article based on the original design information provided from the consumer to the article supplier (manufacturing department, FIG. 1).

**9-2.** Regarding claim 3, Matsuzaki et al. disclose an article design creating method comprising:

a process for providing parts digital information indicating article constituent parts which can be provided from an article supplier to a consumer (design information, FIG. 1), and design software for combining the parts digital information (product design creating means 10, FIG. 1) through information communication means (ordering-designing network 7, FIG. 1);

a process for receiving article original design information which was created by the consumer by combining the parts digital information, using the design software and the parts digital information which were provided from the consumer to the article supplier (goods specification, FIG. 1); and

a process for producing an article based on the original design information provided from the consumer to the article supplier (manufacturing department, FIG. 1).

9-3. Regarding claim 10, Matsuzaki et al. further disclose a process for checking situation of production of the article which was ordered by the consumer (manufacturing result, FIG. 1) through a information communication network (ordering-producing network 6, FIG. 1).

9-4. Regarding claim 11, Matsuzaki et al. further disclose a process for acquiring situation of production of the article stored in a computer at the article supplier by executing access to the computer by the consumer (state value, FIG. 1).

9-5. Regarding claim 14, Matsuzaki et al. disclose a computer readable storage medium storing a program to execute the following processes which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1);

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (customer's operation, FIG. 8); and

a process for recording the parts digital information selected by the consumer on a predetermined storage medium (keep designed product, FIG. 8).

9-6. Regarding claim 45, Matsuzaki et al. disclose an article design creating system for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that a message independently created by a consumer is added to one of article constituent parts in the parts digital information (enter into "craft corner" and change outer appearance, FIG. 8).

9-7. Regarding claim 46, Matsuzaki et al. disclose an article design creating system for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that parts digital information independently created by a consumer is added to one of article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

9-8. Regarding claim 47, Matsuzaki et al. disclose an article design creating system for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that materials of article constituent parts in the parts digital information are selected by a consumer (enter into “inquiry window” and specify specification, FIG. 8).

9-9. Regarding claim 48, Matsuzaki et al. disclose an article design creating system for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that mechanical functions of article constituent parts in the parts digital information are selected by a consumer (enter into “inquiry window” and specify specification, FIG. 8).

9-10. Regarding claim 49, Matsuzaki et al. further disclose that the design software includes design basic information (enter into “photo corner” and show samples, FIG. 8).

9-11. Regarding claim 50, Matsuzaki et al. disclose an article design creating method for creating article design original information by combining parts digital information, using parts

design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that a message independently created by a consumer is added to one of article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

**9-12.** Regarding claim 51, Matsuzaki et al. disclose an article design creating method for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that parts digital information independently created by a consumer is added to one of article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

**9-13.** Regarding claim 52, Matsuzaki et al. disclose an article design creating method for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that materials of article constituent parts in the parts digital information are selected by a consumer (enter into “inquiry window” and specify specification, FIG. 8).

**9-14.** Regarding claim 53, Matsuzaki et al. disclose an article design creating method for creating article design original information by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 8) characterized in that mechanical functions of article constituent parts in the parts digital information are selected by a consumer (enter into “inquiry window” and specify specification, FIG. 8).

**9-15.** Regarding claim 54, Matsuzaki et al. further disclose that the design software includes design basic information (enter into “photo corner” and show samples, FIG. 8).

**9-16.** Regarding claim 55, Matsuzaki et al. disclose a computer readable storage medium storing a program to execute the following processes which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for adding a message independently created by the consumer to one of article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

**9-17.** Regarding claim 56, Matsuzaki et al. disclose a computer readable storage medium storing a program to execute the following processes which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for adding parts digital information independently created by the consumer to one of the article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

**9-18.** Regarding claim 57, Matsuzaki et al. disclose a computer readable storage medium storing a program to execute the following processes which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for selecting materials of article constituent parts in the parts digital information by the consumer (enter into “inquiry window” and specify specification, FIG. 8).

**9-19.** Regarding claim 58, Matsuzaki et al. disclose a computer readable storage medium storing a program to execute the following processes which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for selecting mechanical functions of article constituent parts in the parts digital information by the consumer (enter into “inquiry window” and specify specification, FIG. 8).

**9-20.** Regarding claim 64, Matsuzaki et al. disclose an article design creating system comprising the following processes executed in a computer, which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier

(flow-chart diagram of FIG. 8), and for adding a message independently created by the consumer to one of article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

**9-21.** Regarding claim 65, Matsuzaki et al. disclose an article design creating system comprising the following processes executed in a computer, which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for adding parts digital information independently created by the consumer to one of article constituent parts in the parts digital information (enter into “craft corner” and change outer appearance, FIG. 8).

**9-22.** Regarding claim 66, Matsuzaki et al. disclose an article design creating system comprising the following processes executed in a computer, which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for selecting materials of article constituent parts in the parts digital information by the consumer (enter into “inquiry window” and specify specification, FIG. 8).

**9-23.** Regarding claim 67, Matsuzaki et al. disclose an article design creating system comprising the following processes executed in a computer, which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (design information, FIG. 1); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 8), and for selecting mechanical functions of article constituent parts in the parts digital information by the consumer (enter into “inquiry window” and specify specification, FIG. 8).

**10.** Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996 and filed February 14, 1994.

**10-1.** Regarding claim 1, Abraham et al. disclose an article design creating system comprising:

    means for providing parts digital information indicating article constituent parts which can be provided from an article supplier to a consumer (art glass panel files, column 5, lines 32-34) and design software for combining the parts digital information (resizing program means, column 5, lines 41-49) through information communication means (communication link, column 12, lines 43-46);

    means for receiving article original design information which was created by the consumer by combining the parts digital information, using the design software and the parts digital information which were provided from the consumer to the article supplier (reconfigured art glass data file signal, column 5, lines 51-55); and

means for producing an article based on the original design information provided from the consumer to the article supplier (manufacturing means, column 5, lines 60-67).

**11.** Claims 3, 10, and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Camaisa et al., U.S. Patent 5,845,263 issued December 1, 1998 and filed June 16, 1995.

**11-1.** Regarding claim 3, Camaisa et al. disclose an article design creating method comprising:

a process for providing parts digital information indicating article constituent parts which can be provided from an article supplier to a consumer (menu items, abstract), and design software for combining the parts digital information (visual ordering system, abstract) through information communication means (WAN 126, column 6, lines 46-52);

a process for receiving article original design information which was created by the consumer by combining the parts digital information, using the design software and the parts digital information which were provided from the consumer to the article supplier (remote order processing implementation of Figure 5); and

a process for producing an article based on the original design information provided from the consumer to the article supplier (prepared and delivered, column 13, lines 38-39, and order processing of Figure 4).

**11-2.** Regarding claim 10, Camaisa et al. further disclose a process for checking situation of production of the article which was ordered by the consumer through a information communication network (display order status info, Figure 5, state 1308).

**11-3.** Regarding claim 11, Camaisa et al. further disclose a process for acquiring situation of production of the article stored in a computer at the article supplier by executing access to the computer by the consumer (check order status, Figure 5, state 1306).

12. Claims 14, 45-58 and 64-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutton, U.S. Patent 5,440,479 issued August 8, 1995.

12-1. Regarding claim 14, Hutton discloses a computer readable storage medium storing a program (stored programs and memory, column 1, lines 38-44) to execute the following processes which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65);

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6); and

a process for recording the parts digital information selected by the consumer on a predetermined storage medium (store entered data, FIG. 6, step 480).

12-2. Regarding claim 45, Hutton discloses an article design creating system for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in that a message independently created by a consumer is added to one of article constituent parts in the parts digital information (enter message, FIG. 7, step 545).

12-3. Regarding claim 46, Hutton discloses an article design creating system for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in

that parts digital information independently created by a consumer is added to one of article constituent parts in the parts digital information (enter recipient name, address and telephone number, FIG. 7, step 525).

**12-4.** Regarding claim 47, Hutton discloses an article design creating system for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in that materials of article constituent parts in the parts digital information are selected by a consumer (customer selects flowers, FIG. 6, step 435).

**12-5.** Regarding claim 48, Hutton discloses an article design creating system for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in that mechanical functions of article constituent parts in the parts digital information are selected by a consumer (select configuration, FIG. 6, step 415).

**12-6.** Regarding claim 49, Hutton further discloses that the design software includes design basic information (predefined floral arrangements, column 2, lines 12-22).

**12-7.** Regarding claim 50, Hutton discloses an article design creating method for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6)

characterized in that a message independently created by a consumer is added to one of article constituent parts in the parts digital information (enter message, FIG. 7, step 545).

**12-8.** Regarding claim 51, Hutton discloses an article design creating method for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in that parts digital information independently created by a consumer is added to one of article constituent parts in the parts digital information (enter recipient name, address and telephone number, FIG. 7, step 525).

**12-9.** Regarding claim 52, Hutton discloses an article design creating method for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in that materials of article constituent parts in the parts digital information are selected by a consumer (customer selects flowers, FIG. 6, step 435).

**12-10.** Regarding claim 53, Hutton discloses an article design creating method for creating article design original information (display flowers in holder, FIG. 6, step 470) by combining parts digital information, using parts design information indicating article constituent parts and design software to combine the parts design information (flow-chart diagram of FIG. 6) characterized in that mechanical functions of article constituent parts in the parts digital information are selected by a consumer (select configuration, FIG. 6, step 415).

**12-11.** Regarding claim 54, Hutton further discloses that the design software includes design basic information (predefined floral arrangements, column 2, lines 12-22).

**12-12.** Regarding claim 55, Hutton discloses a computer readable storage medium storing a program (stored programs and memory, column 1, lines 38-44) to execute the following processes which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for adding a message independently created by the consumer to one of article constituent parts in the parts digital information (enter message, FIG. 7, step 545).

**12-13.** Regarding claim 56, Hutton discloses a computer readable storage medium storing a program (stored programs and memory, column 1, lines 38-44) to execute the following processes which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for adding parts digital information independently created by

the consumer to one of the article constituent parts in the parts digital information (enter recipient name, address and telephone number, FIG. 7, step 525).

**12-14.** Regarding claim 57, Hutton discloses a computer readable storage medium storing a program (stored programs and memory, column 1, lines 38-44) to execute the following processes which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for selecting materials of article constituent parts in the parts digital information by the consumer (customer selects flowers, FIG. 6, step 435).

**12-15.** Regarding claim 58, Hutton discloses a computer readable storage medium storing a program (stored programs and memory, column 1, lines 38-44) to execute the following processes which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for selecting mechanical functions of article constituent parts in the parts digital information by the consumer (select configuration, FIG. 6, step 415).

**12-16.** Regarding claim 64, Hutton discloses an article design creating system comprising the following processes executed in a computer, which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for adding a message independently created by the consumer to one of article constituent parts in the parts digital information (enter message, FIG. 7, step 545).

**12-17.** Regarding claim 65, Hutton discloses an article design creating system comprising the following processes executed in a computer, which include:

    a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

    a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for adding parts digital information independently created by the consumer to one of article constituent parts in the parts digital information (enter recipient name, address and telephone number, FIG. 7, step 525).

**12-18.** Regarding claim 66, Hutton discloses an article design creating system comprising the following processes executed in a computer, which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for selecting materials of article constituent parts in the parts digital information by the consumer (customer selects flowers, FIG. 6, step 435).

**12-19.** Regarding claim 67, Hutton discloses an article design creating system comprising the following processes executed in a computer, which include:

a process for providing parts digital information which indicates article constituent parts for creating article design to a consumer (predefined floral information, column 1, lines 59-65); and

a process for selecting the parts digital information which corresponds to the article design desired by the consumer from the parts digital information provided by the article supplier (flow-chart diagram of FIG. 6), and for selecting mechanical functions of article constituent parts in the parts digital information by the consumer (select configuration, FIG. 6, step 415).

#### *Claim Rejections - 35 USC § 103*

**13.** The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 16, 22, 36, and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994, in view of Greene et al., U.S. Patent Des. 379,067 issued May 6, 1997 and filed March 14, 1996.

14-1. Regarding claims 16, 22, and 36, Matsuzaki et al. disclose “an order manufacturing system and an order manufacturing method which is able to define a specification in keeping with the requirement of a customer, as is compatible with the efficiency of the manufacturing system itself and, further manufacture the orders issued by a customer based on the defined specification” (column 1, lines 7-16, and column 1, line 46 through column 3, line 25). From FIG. 1, FIG. 8, and their related information, the order manufacturing method includes (1) a process for providing the parts digital information and design software; (2) a process for receiving the original design information created by the consumer; (3) a process for accepting production of the article; and (4) a process for producing the article.

However, Matsuzaki et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Matsuzaki et al. expressly disclose that at least one message is input to a dial-plate on the screen through a keyboard when the consumer creates the original design information.

Greene et al. disclose an ornamental design for a watch with means for displaying vital information about a wearer (claim). In other words, the watch design disclosed by Greene et al. not only indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc. will be inherent, but also enable the consumer to add a message to a dial-plate.

In order to meet the customer's own requirements for a watch and provide a method of implementing the design, selection, and ordering of such a watch, one of ordinary skill in the art of clock maker would be motivated to modify the teachings of Matsuzaki et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design and the ability to add a message to a dial-plate as disclosed by Greene et al. In other words, the combined teachings of Matsuzaki et al. and Greene et al. enable the clock maker to produce a watch customized to the customer's own specifications.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of Greene et al. to obtain the invention as specified in claims 16, 22, and 36, because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**14-2.** Regarding claims 59-63, Matsuzaki et al. disclose "an order manufacturing system and an order manufacturing method which is able to define a specification in keeping with the requirement of a customer, as is compatible with the efficiency of the manufacturing system itself and, further manufacture the orders issued by a customer based on the defined specification" (column 1, lines 7-16, and column 1, line 46 through column 3, line 25). From FIG. 1, FIG. 8, and their related information, the order manufacturing system includes a computer readable storage medium storing a program to execute processes for selecting, ordering, and manufacturing articles, which include a process for providing parts digital information and a process for selecting the parts digital information by the consumer.

However, Matsuzaki et al. fail to expressly disclose that the parts digital information

indicates watch constituent parts for creating watch design. Neither do Matsuzaki et al. expressly disclose (1) a process for adding a message independently created by the consumer to one of watch constituent parts in the parts digital information; (2) a process for adding parts digital information independently created by the consumer to one of watch constituent parts in the parts digital information; (3) a process for selecting materials of watch constituent parts in the parts digital information by the consumer; (4) a process for selecting mechanical functions of watch constituent parts in the parts digital information by the consumer; and (5) at least, dial-plate information, hands information, watch case information, color information, watch band information, buckle information, time indicator information, and message information, are recorded as the parts digital information.

Greene et al. disclose an ornamental design for a watch with means for displaying vital information about a wearer (claim). In other words, the watch design disclosed by Greene et al. not only indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc. will be inherent, but also enable the consumer to add a message to one of watch constituent parts in the parts digital information.

In order to meet the customer's own requirements for a watch and provide a method of implementing the design, selection, and ordering of such a watch, one of ordinary skill in the art of clock maker would be motivated to modify the teachings of Matsuzaki et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design and the ability to add a message to one of watch constituent parts in the parts digital information as disclosed by Greene et al. In addition to the capability of adding parts digital information, such

as, a message, independently created by the consumer to one of watch constituent parts in the parts digital information, with all the parts digital information indicates watch constituent parts for creating watch design, the consumer may select materials or mechanical functions of watch constituent parts in the parts digital information. In other words, the combined teachings of Matsuzaki et al. and Greene et al. enable the clock maker to produce a watch customized to the customer's own specifications.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of Greene et al. to obtain the invention as specified in claims 59-63 because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**15.** Claims 16, 22, 36, and 59-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996 and filed February 14, 1994, in view of Greene et al., U.S. Patent Des. 379,067 issued May 6, 1997 and filed March 14, 1996.

**15-1.** Regarding claims 16, 22, and 36, Abraham et al. disclose "an integrated system for selection, ordering and manufacturing art glass panels which enables the manufacturer to produce high quality art glass panels customized to the customer's own specifications through the use of highly flexible computer driven design and manufacturing systems" (column 3, line 66 through column 4, line 4). The integrated system includes (a) first computer means (remote computer 30, FIG. 7), wherein the first computer means includes (1) a plurality of art glass panel files; (2) means for enabling a user to enter an art glass panel design selection; (3) resizing program means for reconfiguring data; (b) means to receive and accept the reconfigured art glass

data file signal in the manufacturer's computer (column 5, lines 23-55 and column 12, lines 43-54); and (c) manufacturing means in response to the received reconfigured art glass data file (column 5, lines 60-67). "The result is a highly efficient, commercially practical method of implementing the design, selection, ordering and manufacturing of art glass panels" (column 4, lines 48-50). In other words, Abraham et al. disclose a method for selecting, ordering, and manufacturing articles, which include (1) a process for providing the parts digital information and design software; (2) a process for receiving the original design information created by the consumer; (3) a process for accepting production of the article; and (4) a process for producing the article.

However, Abraham et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Abraham et al. expressly disclose that at least one message is input to a dial-plate on the screen through a keyboard when the consumer creates the original design information. Nevertheless, Abraham et al. suggest, "the invention is not to be limited to a window application for such art glass panels, but that the principles of the invention apply in a much broader sense" (column 8, lines 44-46).

Greene et al. disclose an ornamental design for a watch with means for displaying vital information about a wearer (claim). In other words, the watch design disclosed by Greene et al. not only indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc. will be inherent, but also enable the consumer to add a message to a dial-plate.

In order to provide a highly efficient, commercially practical method of implementing the design, selection, and ordering of watch, one of ordinary skill in the art of clock maker would be

motivated to modify the teachings of Abraham et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design and the ability to add a message to a dial-plate as disclosed by Greene et al. In other words, the combined teachings of Abraham et al. and Greene et al. enable the clock maker to produce a watch customized to the customer's own specifications.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abraham et al. to incorporate the teachings of Greene et al. to obtain the invention as specified in claims 16, 22, and 36, because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**15-2.** Regarding claims 59-63, Abraham et al. disclose "an integrated system for selection, ordering and manufacturing art glass panels which enables the manufacturer to produce high quality art glass panels customized to the customer's own specifications through the use of highly flexible computer driven design and manufacturing systems" (column 3, line 66 through column 4, line 4). The integrated system includes first computer means (remote computer 30, FIG. 7), wherein the first computer means includes a plurality of art glass panel files and means for enabling a user to enter an art glass panel design selection (column 5, lines 23-50). "The result is a highly efficient, commercially practical method of implementing the design, selection, ordering and manufacturing of art glass panels" (column 4, lines 48-50). In other words, Abraham et al. disclose a computer readable storage medium storing a program to execute processes for selecting, ordering, and manufacturing articles, which include a process for

providing parts digital information and a process for selecting the parts digital information by the consumer.

However, Abraham et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Abraham et al. expressly disclose (1) a process for adding a message independently created by the consumer to one of watch constituent parts in the parts digital information; (2) a process for adding parts digital information independently created by the consumer to one of watch constituent parts in the parts digital information; (3) a process for selecting materials of watch constituent parts in the parts digital information by the consumer; (4) a process for selecting mechanical functions of watch constituent parts in the parts digital information by the consumer; and (5) at least, dial-plate information, hands information, watch case information, color information, watch band information, buckle information, time indicator information, and message information, are recorded as the parts digital information. Nevertheless, Abraham et al. suggest, “the invention is not to be limited to a window application for such art glass panels, but that the principles of the invention apply in a much broader sense” (column 8, lines 44-46).

Greene et al. disclose an ornamental design for a watch with means for displaying vital information about a wearer (claim). In other words, the watch design disclosed by Greene et al. not only indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc. will be inherent, but also enable the consumer to add a message to one of watch constituent parts in the parts digital information.

In order to provide a highly efficient, commercially practical method of implementing the design, selection, and ordering of watch, one of ordinary skill in the art of clock maker would be motivated to modify the teachings of Abraham et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design and the ability to add a message to one of watch constituent parts in the parts digital information as disclosed by Greene et al. In addition to the capability of adding parts digital information, such as, a message, independently created by the consumer to one of watch constituent parts in the parts digital information, with all the parts digital information indicates watch constituent parts for creating watch design, the consumer may select materials or mechanical functions of watch constituent parts in the parts digital information. In other words, the combined teachings of Abraham et al. and Greene et al. enable the clock maker to produce a watch customized to the customer's own specifications.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abraham et al. to incorporate the teachings of Greene et al. to obtain the invention as specified in claims 59-63 because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**16.** Claims 18, 24, 30, 34, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994, in view of d'Huart, U.S. Patent Des. 345,509 issued March 29, 1994.

**16-1.** Regarding claims 18 and 24, Matsuzaki et al. disclose "an order manufacturing system and an order manufacturing method which is able to define a specification in keeping with the

requirement of a customer, as is compatible with the efficiency of the manufacturing system itself and, further manufacture the orders issued by a customer based on the defined specification" (column 1, lines 7-16, and column 1, line 46 through column 3, line 25). From FIG. 1, FIG. 8, and their related information, the order manufacturing method, for selecting, ordering, and manufacturing articles, include (1) a process for providing a storage medium storing parts digital information and design software; (2) a process for receiving the original design information created by the consumer; (3) a process for accepting production of the article; and (4) a process for producing the article.

However, Matsuzaki et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Matsuzaki et al. expressly disclose using storage medium for transferring information.

d'Huart discloses an ornamental design for a wristwatch (claim). In other words, the watch design disclosed by d'Huart indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc., will be inherent.

In order to meet the customer's own requirements for a watch and provide a method of implementing the design, selection, and ordering of such a watch, one of ordinary skill in the art of clock maker would be motivated to modify the teachings of Matsuzaki et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design as disclosed by d'Huart. In other words, the combined teachings of Matsuzaki et al. and d'Huart enable the clock maker to produce a watch customized to the customer's own specifications. As

for the using storage medium for transferring information, it is a well-known means for one of ordinary skill in the art.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of d'Huart to obtain the invention as specified in claims 18 and 24, because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**16-2.** Regarding claims 30 and 34, Matsuzaki et al. fail to expressly disclose confirming color tone and confirming color tone by printed documents, although Matsuzaki et al. do provide design information using detail design CAD system based on customer requirement as shown in FIG. 1. Therefore, confirming color tone is implicitly provided because the combined teachings of Matsuzaki et al. and d'Huart enable the clock maker to confirm and produce a watch customized to the customer's own specifications which includes color tone. As for the confirming color tone by printed documents, it is a well-known means for one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of d'Huart to obtain the invention as specified in claims 30 and 34, because it enables the clock maker to confirm and produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**16-3.** Regarding claims 42 and 43, Matsuzaki et al. disclose "an order manufacturing system and an order manufacturing method which is able to define a specification in keeping with the

requirement of a customer, as is compatible with the efficiency of the manufacturing system itself and, further manufacture the orders issued by a customer based on the defined specification" (column 1, lines 7-16, and column 1, line 46 through column 3, line 25). From FIG. 1, FIG. 8, and their related information, the order manufacturing system includes a computer readable storage medium storing a program to execute processes for selecting, ordering, and manufacturing articles, which include a process for providing parts digital information, a process for selecting the parts digital information by the consumer, and a process for recording the parts digital information.

However, Matsuzaki et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Matsuzaki et al. expressly disclose that, at least, dial-plate information, hands information, watch case information, color information, watch band information, buckle information, time indicator information, and message information, are recorded as the parts digital information.

d'Huart discloses an ornamental design for a wristwatch (claim). In other words, the watch design disclosed by d'Huart indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc., will be inherent.

In order to meet the customer's own requirements for a watch and provide a method of implementing the design, selection, and ordering of such a watch, one of ordinary skill in the art of clock maker would be motivated to modify the teachings of Matsuzaki et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design as

disclosed by d'Huart. In other words, the combined teachings of Matsuzaki et al. and d'Huart enable the clock maker to produce a watch customized to the customer's own specifications.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Matsuzaki et al. to incorporate the teachings of d'Huart to obtain the invention as specified in claims 42-43, because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

17. Claims 18, 24, 30, 34, and 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996 and filed February 14, 1994, in view of d'Huart, U.S. Patent Des. 345,509 issued March 29, 1994.

17-1. Regarding claims 18 and 24, Abraham et al. disclose "an integrated system for selection, ordering and manufacturing art glass panels which enables the manufacturer to produce high quality art glass panels customized to the customer's own specifications through the use of highly flexible computer driven design and manufacturing systems" (column 3, line 66 through column 4, line 4). The integrated system includes (a) first computer means (remote computer 30, FIG. 7), wherein the first computer means includes (1) a plurality of art glass panel files; (2) means for enabling a user to enter an art glass panel design selection; (3) resizing program means for reconfiguring data; (b) means to receive and accept the reconfigured art glass data file signal in the manufacturer's computer (column 5, lines 23-55 and column 12, lines 43-54); and (c) manufacturing means in response to the received reconfigured art glass data file (column 5, lines 60-67). "The result is a highly efficient, commercially practical method of implementing the design, selection, ordering and manufacturing of art glass panels" (column 4, lines 48-50). In

other words, Abraham et al. disclose a method for selecting, ordering, and manufacturing articles, which include (1) a process for providing a storage medium (memory in the remote computer 30, FIG. 7) storing parts digital information and design software; (2) a process for receiving the original design information created by the consumer; (3) a process for accepting production of the article; and (4) a process for producing the article.

However, Abraham et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Abraham et al. expressly disclose using storage medium for transferring information. Nevertheless, Abraham et al. suggest, "the invention is not to be limited to a window application for such art glass panels, but that the principles of the invention apply in a much broader sense" (column 8, lines 44-46).

d'Huart discloses an ornamental design for a wristwatch (claim). In other words, the watch design disclosed by d'Huart indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc., will be inherent.

In order to provide a highly efficient, commercially practical method of implementing the design, selection, and ordering of watch, one of ordinary skill in the art of clock maker would be motivated to modify the teachings of Abraham et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design as disclosed by d'Huart. In other words, the combined teachings of Abraham et al. and d'Huart enable the clock maker to produce a watch customized to the customer's own specifications. As for the using storage medium for transferring information, it is a well-known means for one of ordinary skill in the art.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abraham et al. to incorporate the teachings of d'Huart to obtain the invention as specified in claims 18 and 24, because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**17-2.** Regarding claims 30 and 34, Abraham et al. fail to expressly disclose confirming color tone and confirming color tone by printed documents, although Abraham et al. do provide confirmations after every selection of parts digital information (satisfied, FIG. 8, block 50 and 54). Therefore, confirming color tone is implicitly provided because the combined teachings of Abraham et al. and d'Huart enable the clock maker to confirm and produce a watch customized to the customer's own specifications which includes color tone. As for the confirming color tone by printed documents, it is a well-known means for one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abraham et al. to incorporate the teachings of d'Huart to obtain the invention as specified in claims 30 and 34, because it enables the clock maker to confirm and produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**17-3.** Regarding claims 42 and 43, Abraham et al. disclose "an integrated system for selection, ordering and manufacturing art glass panels which enables the manufacturer to produce high quality art glass panels customized to the customer's own specifications through the use of highly flexible computer driven design and manufacturing systems" (column 3, line 66 through column 4, line 4). The integrated system includes (a) first computer means (remote computer 30,

FIG. 7), wherein the first computer means includes a plurality of art glass panel files and means for enabling a user to enter an art glass panel design selection; and (b) means to receive and store the reconfigured art glass data file signal in the manufacturer's computer (column 5, lines 23-55 and column 12, lines 43-54). "The result is a highly efficient, commercially practical method of implementing the design, selection, ordering and manufacturing of art glass panels" (column 4, lines 48-50). In other words, Abraham et al. disclose a computer readable storage medium storing a program to execute processes for selecting, ordering, and manufacturing articles, which include a process for providing parts digital information, a process for selecting the parts digital information by the consumer, and a process for recording the parts digital information.

However, Abraham et al. fail to expressly disclose that the parts digital information indicates watch constituent parts for creating watch design. Neither do Abraham et al. expressly disclose that, at least, dial-plate information, hands information, watch case information, color information, watch band information, buckle information, time indicator information, and message information, are recorded as the parts digital information. Nevertheless, Abraham et al. suggest, "the invention is not to be limited to a window application for such art glass panels, but that the principles of the invention apply in a much broader sense" (column 8, lines 44-46).

d'Huart discloses an ornamental design for a wristwatch (claim). In other words, the watch design disclosed by d'Huart indicates what the necessary parts digital information indicates watch constituent parts for creating watch design, such as, watch case information, buckle information, watch band information, etc., will be inherent.

In order to provide a highly efficient, commercially practical method of implementing the design, selection, and ordering of watch, one of ordinary skill in the art of clock maker would be

motivated to modify the teachings of Abraham et al. to incorporate the inherent parts digital information indicates watch constituent parts for creating watch design as disclosed by d'Huart. In other words, the combined teachings of Abraham et al. and d'Huart enable the clock maker to produce a watch customized to the customer's own specifications.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Abraham et al. to incorporate the teachings of d'Huart to obtain the invention as specified in claims 42-43, because it enables the clock maker to produce a watch customized to the customer's own specifications in a highly efficient, commercially practical method.

**18.** Claims 31-33, 35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994, and d'Huart, U.S. Patent Des. 345,509 issued March 29, 1994 as applied to claim 24, and further in view of Maxey et al., "New Riders' Reference Guide to AutoCAD Release 13", New Riders Publishing, Indianapolis, Indiana, 1995.

**18-1.** Regarding claims 31-33, 35, and 38, Matsuzaki et al. fail to expressly disclose the followings when the consumer creates the original design information: (1) displaying in layers on the screen; (2) the watch constituent parts are sequentially and selectively displayed on the screen; (3) an enlarged view of the completed watch is displayed on the screen; (4) a plurality of completed watches are displayed on the same screen; and (5) a plurality of sample patterns are displayed on the same display. Nevertheless, Matsuzaki et al. suggest using CAD system to provide design information as shown in FIG. 1.

In New Riders' Reference Guide to AutoCAD Release 13, Maxey et al. "document each command, along with every prompt and dialog box feature associated with that command" (introduction, page 2). Specifically, Maxey et al. disclose the missing elements:

(Claim 31) a process for displaying in layers, a completed figure, pattern groups of watch constituent parts, and designation of parts, on the screen when creating the original design information by the consumer (LAYER, pages 369-373).

(Claim 32) the watch constituent parts are sequentially and selectively displayed on the screen from large group to small group when the consumer creates the original design information (DVIEW, pages 277-284).

(Claim 33) an enlarged view of the completed watch is displayed on the screen when the consumer creates the original design information (ZOOM, pages 756-759).

(Claim 35) a plurality of completed watches are displayed on the same screen to be compared with one another when the consumer creates the original design information (MAKEPREVIEW, pages 401-402).

(Claim 38) a plurality of sample patterns are displayed on the same display when the consumer creates the original design information (DVIEW, pages 277-284).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Matsuzaki et al. and d'Huart to incorporate the AutoCAD teachings of Maxey et al. to obtain the invention as specified in claims 31-33, 35, and 38, as suggested by Matsuzaki et al.

19. Claims 31-33, 35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996 and

filed February 14, 1994, and d'Huart, U.S. Patent Des. 345,509 issued March 29, 1994 as applied to claim 24, and further in view of Maxey et al., "New Riders' Reference Guide to AutoCAD Release 13", New Riders Publishing, Indianapolis, Indiana, 1995.

19-1. Regarding claims 31-33, 35, and 38, Abraham et al. fail to expressly disclose the followings when the consumer creates the original design information: (1) displaying in layers on the screen; (2) the watch constituent parts are sequentially and selectively displayed on the screen; (3) an enlarged view of the completed watch is displayed on the screen; (4) a plurality of completed watches are displayed on the same screen; and (5) a plurality of sample patterns are displayed on the same display. Nevertheless, Abraham et al. suggest using CAD machine to provide electronic drawings (column 11, lines 24-28).

In New Riders' Reference Guide to AutoCAD Release 13, Maxey et al. "document each command, along with every prompt and dialog box feature associated with that command" (introduction, page 2). Specifically, Maxey et al. disclose the missing elements:

(Claim 31) a process for displaying in layers, a completed figure, pattern groups of watch constituent parts, and designation of parts, on the screen when creating the original design information by the consumer (LAYER, pages 369-373).

(Claim 32) the watch constituent parts are sequentially and selectively displayed on the screen from large group to small group when the consumer creates the original design information (DVIEW, pages 277-284).

(Claim 33) an enlarged view of the completed watch is displayed on the screen when the consumer creates the original design information (ZOOM, pages 756-759).

(Claim 35) a plurality of completed watches are displayed on the same screen to be compared with one another when the consumer creates the original design information (MAKEPREVIEW, pages 401-402).

(Claim 38) a plurality of sample patterns are displayed on the same display when the consumer creates the original design information (DVIEW, pages 277-284).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Abraham et al. and d'Huart to incorporate the AutoCAD teachings of Maxey et al. to obtain the invention as specified in claims 31-33, 35, and 38, as suggested by Abraham et al.

**20.** Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Matsuzaki et al., U.S. Patent 5,357,439 issued October 18, 1994, and Greene et al., U.S. Patent Des. 379,067 issued May 6, 1997 and filed March 14, 1996 as applied to claim 36, and further in view of Maxey et al., "New Riders' Reference Guide to AutoCAD Release 13", New Riders Publishing, Indianapolis, Indiana, 1995.

**20-1.** Regarding claim 37, Matsuzaki et al. fail to expressly disclose that location, number, length, font and color, of the message are designated on the dial-plate on the screen when the consumer creates the original design information. Nevertheless, Matsuzaki et al. suggest using CAD system to provide design information as shown in FIG. 1.

In New Riders' Reference Guide to AutoCAD Release 13, Maxey et al. "document each command, along with every prompt and dialog box feature associated with that command" (introduction, page 2). Specifically, Maxey et al. disclose the missing elements:

location, number, length, font and color, of the message are designated on the dial-plate on the screen when the consumer creates the original design information (DTEXT, pages 274-277).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Matsuzaki et al. and Greene et al. to incorporate the AutoCAD teachings of Maxey et al. to obtain the invention as specified in claims 37 as suggested by Matsuzaki et al.

21. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combined teachings of Abraham et al., U.S. Patent 5,570,292 issued October 29, 1996 and filed February 14, 1994, and Greene et al., U.S. Patent Des. 379,067 issued May 6, 1997 and filed March 14, 1996 as applied to claim 36, and further in view of Maxey et al., "New Riders' Reference Guide to AutoCAD Release 13", New Riders Publishing, Indianapolis, Indiana, 1995.

21-1. Regarding claim 37, Abraham et al. fail to expressly disclose that location, number, length, font and color, of the message are designated on the dial-plate on the screen when the consumer creates the original design information. Nevertheless, Abraham et al. suggest using CAD machine to provide electronic drawings (column 11, lines 24-28).

In New Riders' Reference Guide to AutoCAD Release 13, Maxey et al. "document each command, along with every prompt and dialog box feature associated with that command" (introduction, page 2). Specifically, Maxey et al. disclose the missing elements:

location, number, length, font and color, of the message are designated on the dial-plate on the screen when the consumer creates the original design information (DTEXT, pages 274-277).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined teachings of Abraham et al. and Greene et al. to incorporate the AutoCAD teachings of Maxey et al. to obtain the invention as specified in claims 37 as suggested by Abraham et al.

***Conclusion***

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference to Brown et al., U.S. Patent 4,972,318 issued November 20, 1990, is cited as disclosing an order entry and inventory control method.

Reference to Yoda, U.S. Patent 5,515,268 issued May 7, 1996, is cited as disclosing a method of ordering products from a remote computer system via a communication line.

Reference to Kagami et al., U.S. Patent 5,724,522 issued March 3, 1998, and filed November 13, 1995, is cited as disclosing an online interactive service system.

Reference to Ladner et al., U.S. Patent 5,847,971 issued December 8, 1998, and filed January 5, 1996, is cited as disclosing a furniture specification system.

Reference to Morris et al., U.S. Patent 5,877,966 issued March 2, 1999, and filed March 18, 1996, is cited as disclosing a system that allows the user to create, modify, or delete a configurator using templates.

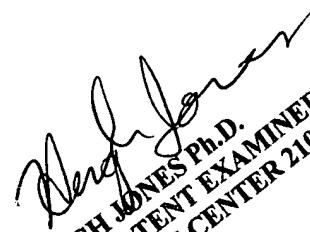
23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Herng-der Day whose telephone number is (703) 305-5269. The examiner can normally be reached on 8:30 - 17:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin J Teska can be reached on (703) 305-9704. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Heng-der Day  
February 27, 2003



HUGH JONES Ph.D.  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100